

REMARKS

The present application was filed on December 21, 2001 with claims 1-17. Claims 1-17 have been canceled. New claims 18-32 have been added by amendment herein. Claims 18, 25, 26 and 29 are the pending independent claims.

Claims 18-32 are believed to define patentable subject matter relative to U.S. Patent No. 6,914,878 (hereinafter "Lindblom"), which was the basis for the anticipation and obviousness rejections of the prior claims.

For example, with regard to independent claim 18, this claim calls for controlling a second switch fabric to assume an active mode from a standby mode responsive to a drain timer having timed out or receipt of a switch fabric empty signal from a first switch fabric. Moreover, the claim recites the starting of a restart timer subsequent to the drain timer having timed out or the switch fabric empty signal having been received from the first switch fabric.

In rejecting the prior claims, the Examiner relies primarily on the plane change timer (PCT) and start sync cell wait timer (SWT) referred to in respective elements 7-5B and 7-5E of FIG. 7A in Lindblom. However, these timers do not meet the drain timer and restart timer as recited in claim 18. The differences between the recited drain and restart timers and the PCT and SWT timers of Lindblom are apparent from the timing diagram of FIG. 10 in Lindblom. It appears from the rejections that the Examiner is arguing that the SWT meets the recited drain timer and that the PCT meets the recited restart timer. However, FIG. 10 clearly indicates that the SWT is not started until expiration of the PCT. See Lindblom at column 12, lines 58-60, and event 10-4 of FIG. 10. Thus, if the SWT is alleged to meet the recited drain timer, the PCT does not meet the recited restart timer, because claim 18 recites the starting of a restart timer subsequent to the drain timer having timed out or the switch fabric empty signal having been received from the first switch fabric. In Lindblom, it is expiration of the PCT that controls the start of the SWT.

Moreover, it should be noted that the PCT of Lindblom is not a drain timer of the type recited in the claim. To the contrary, the PCT is described in Lindblom as running long enough to ensure that the slowest switch port interface units 26 have had time "to receive [a] plane change cell and start their plane change process." See Lindblom at column 12, lines 39-48. It is apparent from the timing diagram of FIG. 10 that egress traffic from switch plane A continues to

flow after the PCT has expired at event 10-4. Thus, switch plane A apparently remains in an active mode, continuing to transmit egress data traffic, even after expiration of the PCT.

Thus, in summary, the PCT of Lindblom is not a drain timer of the type recited in claim 18, and cannot reasonably be construed as a restart timer as recited in claim 18. Accordingly, Lindblom fails to meet the limitations of claim 18, and in fact appears to teach directly away from such limitations.

Independent claims 25, 26 and 29 are believed allowable for reasons similar to those identified above with regard to claim 18.

The dependent claims are believed allowable for at least the reasons identified above with regard to their respective independent claims.

In view of the foregoing, claims 18-32 are believed to be in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" being more prominent and the last name "Ryan" following in a similar style.

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